

ORDINANCE 21-05

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF MILLVILLE FROM AR-AGRICULTURAL TO R-RESIDENTIAL FOR A CERTAIN PARCEL OF LAND KNOWN AS TAX PARCEL NO. 134-16.00-17.00, TOTALING 49.98+/- ACRES, LOCATED ON SUBSTATION ROAD.

WHEREAS, the Mayor and Council of the Town of Millville have the power to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material, and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22 of the Delaware Code; and

WHEREAS, the Mayor and Town Council has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 155 of the Town Code, and adopt an official Zoning Map; and

WHEREAS, Article XIII of Chapter 155 governs zoning amendments, including Section 155-73 providing in part, "Any such amendment may be initiated by resolution of the Town Council or by petition of any property owner addressed to the Town Council"; and

WHEREAS, the owner of the above-captioned parcel petitioned for rezoning; and

WHEREAS, Planning and Zoning Commission held a duly noticed hearing on October 8, 2020 and voted 4-0 in the Advisory Report received by Town Council; and

WHEREAS, the Mayor and Town Council held a public hearing on November 10, 2020, with proper notice by publication as required by Section 155-74; and

WHEREAS, after the public hearing, the Mayor and Town Council voted 5-0 in favor of the rezoning;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the Official Zoning Map of the Town, adopted by reference in Town Code Section 155-5, is amended to remove the zoning classification of AR-Agricultural and substituting in lieu thereof the designation of R-Residential as it applies to the property on Substation Road known as Tax Parcel No. 134-16.00-17.00, containing 49.98 acres, more or less.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 8TH DAY OF DECEMBER, 2020.

SEAL:

STEVE MANERI, MAYOR

ATTESTED:

BARBARA RYER, SECRETARY

SYNOPSIS

This ordinance amends the Town's official zoning map to reflect a R-Residential designation for the approximately 49.98 acres on Substation Road known as Tax Parcel No. 134-16.00-17.00.

FINDINGS

The Mayor and Town Council found that this Ordinance was appropriate legislative action based on the following findings:

- The rezoning is consistent with the comprehensive plan, particularly the future land use map's designation of the parcel as Residential
- The rezoning will facilitate the provision of transportation via DelDOT's requirements for improvements on Substation Rd
- The rezoning will facilitate the provision of water and sewer, as those services are available for the parcel
- The rezoning is consistent with the uses in the surrounding area, including a large portion of the farm previously sold and developed for houses
- The rezoning provides orderly growth within the Town, where growth is expected
- The requested zoning district is the least dense, thereby preventing overcrowding and providing adequate air and light
- The current agricultural use will not be viable long-term